

Can A Guardian Force A Girl To Get Married?

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[Q]: If a girl has reached the proper age for getting married, can her guardian force her to get married?

[A]: It is not permissible for the guardian of a girl's affairs to force her into getting married.

So if the girl has not reached the proper age and has been forced into marriage, she can look for a way to dissolve this marriage after having reached the age of comprehension and maturity.

This is because there was a girl that was forced into marriage during the time of the Messenger of Allaah, sallAllaahu 'alayhi wa sallam. After the marriage, she went to the Messenger, sallAllaahu 'alayhi wa sallam, and said to him: "O Messenger of Allaah! My father has married me to a man that I dislike, in order to raise his own status." So the Messenger, sallAllaahu 'alayhi wa sallam, nullified her marriage.

Due to this, it is not permissible for a girl's guardian to force her into marriage, regardless if she is a girl who has reached the legitimate age (of marriage) or she is divorced or she was married and then lost her husband.

Rather it is only required of him to direct her towards what is most beneficial for her in her affairs of this world and the hereafter. The Prophet, sallAllaahu 'alayhi wa sallam, said:

"There is no marriage except with (the permission of) a guardian and (the presence of) two trustworthy witnesses."

And he, sallAllaahu 'alayhi wa sallam, also said:

"Do not force your women (to get married), but rather get their consent."

And he, sallAllaahu 'alayhi wa sallam, said:

"Her silence is her consent."

These are etiquettes and conditions that must be adhered to. However, at times there occurs something that opposes the Divine Legislation, such as when the father prevents his daughter and delays her marriage because of a materialistic ambition. Or because the man proposing marriage to her is poor, and due to this, his status will not be elevated. And so the girl remains without a husband.

In this situation, the Divine Legislation has permitted her to marry herself because the Messenger, sallAllaahu 'alayhi wa sallam, has said:

"Any woman that marries herself without the permission of her guardian, then her marriage is invalid, her marriage is invalid, her marriage is invalid. But if they differ, then the authoritative figure (*sultaan*) is the guardian of one who has no guardian."

Therefore, this girl – whose father has prevented her marriage due to an obvious

materialistic reason – she can take her case to a legitimate judge. So he will investigate the guardian of the girl's affairs and interrogate him as to the reason why he is preventing her (from getting married).

So if he hears a legitimate reason from him, such as that the man intending marriage is an innovator or he doesn't pray or that he drinks alcohol, then the judge cannot oppose him in this.

But if he hears illegitimate reasons from him, then at that point, the judge can assume guardianship of her marriage.